

In re) Fair Hearing No. 15,509
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Appeal of)

The petitioner appeals a decision of the Department of Social Welfare to deny him General Assistance benefits.

1. The petitioner is a twenty-eight-year-old man who works part-time at a convenience store, earning about \$380 per month. He also gets unemployment compensation of \$55 per month which is about to run out. He receives VHAP medical coverage and Food Stamps of \$25 per month through the Department.

2. The petitioner has a high school diploma and has worked on a full-time basis (sometimes with several part-time jobs) from 1989 up until about a year ago (June of 1997). He is not married, has no children and has never been in need of any treatment for mental illness, drugs or alcoholism. He is having difficulty finding full-time work because he had a spinal injury in a 1992 accident which has worsened and now restricts him from lifting more than fifty pounds. Although neither he nor his doctors currently consider his condition disabling, he has had difficulty getting employers to take a chance on someone who has had a back injury. He is looking for more hours of work but has

not had much success.

3. The petitioner rents a room in a friend's mobile home for \$150 per week. Included in that amount are his utilities and kitchen privileges. As part of the deal, he is also allowed to use his friend's vehicle for transportation to work. He has had difficulty paying that rent because of his low income and because he also has a truck payment of \$102.67 per month (although the truck does not run and sits in his parents' yard) and overdue medical bills of close to \$400. He blames the existence of his medical bills on what he claims was his wrongful termination from VHAP from June to November of 1997. However, he admits that he did not appeal that termination which involved whether he had kept the Department informed of his address.

4. On May 14, 1998, the petitioner applied for General Assistance to cover his rent which was \$300 overdue. He was denied that same day by a written notice which stated that the denial occurred because he was able-bodied, had no minor dependents and did not have two barriers to employment. The petitioner appeals that decision saying that he should be assisted because he does not have enough to live on.

ORDER

The decision of the Department is affirmed.

REASONS

The facts of the petitioner's case certainly indicate that he is without income to pay all of his bills. However, the regulations adopted by the Department of Social Welfare do not adopt inability to meet one's bills as the sole standard for receiving general assistance. Unless there is a catastrophic situation--defined in the regulations as death of a spouse or minor child, a court-ordered or constructive eviction, a natural disaster or an emergency medical need, see WAM 2602--an individual without dependent children who is able-bodied can only be assisted if two or more of the following employment barriers are met:

- a. Age 55 or over.
- b. Eighth-grade education or less -or- inability to read or write. Eighth grade education is completion of eighth-grade, but not completion of ninth grade.
- c. Employment or self-employment of fewer than six months in the last five years and full-time student status fewer than six months in the last five years.
- d. Release from a mental health institution or mental health hospital unit within the last 6 months.
- e. Participating in a state or federally funded drug or alcohol treatment program.

W.A.M. 2600 (B)(3)

The evidence indicates that the petitioner is behind in his rent but has not been ordered out of his home by the court so he does not face a "catastrophic situation" as defined in the above regulations. Given the fact that he

has no dependent children and is able to work, he must demonstrate two of the employment barriers listed above to be eligible for General Assistance. The petitioner's factual situation does not indicate that any of the barriers are met. It must be concluded that the petitioner does not meet the eligibility criteria for General Assistance and the Department's decision was consistent with its regulations and must, therefore, be upheld. 3 V.S.A. § 3091(d).

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